

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

483J0152

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1105** - 01/22/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Hennies, Bartling, Bradford, Davis, Elliott, Hunhoff, Kroger, LaRue, McLaughlin, Murschel, and Solum and Senators Ham-Burr, Abdallah, Bogue, de Hueck, Duenwald, Duniphan, Earley, Greenfield, Knudson, Nachtigal, Reedy, Sutton (Dan), and Vitter

1 FOR AN ACT ENTITLED, An Act to permit certain temporary on-sale licenses to be issued
2 by municipalities and counties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 35-4-11.4 be amended to read as follows:

5 35-4-11.4. Any municipality or county may issue a special malt beverage retailers' license
6 ~~and~~, a special retail on-sale wine dealers' license, and a special on-sale license, notwithstanding
7 the provisions of §§ 35-4-11, 35-4-11.1, and 35-4-19, to any civic, charitable, educational, or
8 fraternal organization in conjunction with a special event within the municipality or within the
9 county. Educational does not include any elementary, secondary, or higher educational
10 institution in the public school system of this state. No public hearing is required for the
11 issuance of a license pursuant to this section if the individual applying for the license holds an
12 alcoholic beverage license in the municipality or county or holds an operating agreement for a
13 municipal alcoholic beverage license. Any license issued pursuant to this section may be issued



1 for a period of time established by the municipal governing body or board of county
2 commissioners. However, such period may not exceed fifteen consecutive days. If an
3 organization receiving a license pursuant to this section conducts a street dance in conjunction
4 with the special event, the organization shall provide qualified security personnel as deemed
5 necessary by the governing body which issued the license to maintain order during the street
6 dance.

7 Section 2. That § 35-4-11.5 be amended to read as follows:

8 35-4-11.5. Any license issued pursuant to § 35-4-11.4 shall be issued to the organization and
9 location specified on the application. Notwithstanding subdivisions ~~35-4-2(12)~~ 35-4-2(4), (6),
10 (12), and (16), the governing body or the board of county commissioners, as appropriate, shall
11 determine the fee for this license, which may not exceed fifty dollars per day. Each application
12 shall be accompanied by the fee prior to consideration by the governing body or board of county
13 commissioners. Notwithstanding § 35-5-21.1, the fee provided for in this section shall be
14 retained by the governing body or board of county commissioners issuing the license.